

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 16, 2009
POSITION: Neutral, note concerns

BILL NUMBER: SB 678
AUTHOR: M. Leno

BILL SUMMARY: Community Corrections Performance Incentive Act of 2009

This bill would establish a system of performance-based funding to support evidence-based practices relating to the supervision of adult felony probationers, as specified. The measure would also authorize each county to establish a Community Corrections Performance Incentive Fund (CCPIF) and would require the County Auditor to allocate moneys in the county's CCPIF, as specified. This bill also requires specified local officials to serve as part of a Community Corrections Partnership.

FISCAL SUMMARY

By requiring the County Auditor to perform new duties and by requiring local officials to serve as part of the Community Corrections partnership, this measure could create a state reimbursable mandate the cost of which cannot be determined at this time.

According to the Administrative Office of the Courts (AOC), this measure would result in additional General Fund costs totaling \$502,000 General Fund to develop outcome based measures to evaluate programs, consult with the Department of Finance (DOF) on the required calculations, perform specified accounting and transfer responsibilities relating to each participating county, and to report to the Governor and Legislature on the implementation of the program. This measure authorizes the AOC to use up to three percent of funds annually appropriated by the Legislature to support this program to cover the costs to administer its responsibilities under this program.

The DOF's workload related to consulting with the AOC and computing the specified calculations within this measure would be minor and absorbable within existing resources. However, it is unclear at this time whether the data necessary for the DOF to make the calculations required by this measure is available and/or reliable.

We note that if half of the 20,000 felony probationers currently admitted into state institutions annually were instead to remain in local communities, the savings from avoided incarceration and parole supervision costs would total approximately \$254.6 million General Fund. In addition, county community corrections programs could receive about \$127.3 million in funding annually.

COMMENTS

The Department of Finance is neutral on this measure. However, we do note a concern that it is unclear at this time whether there is consistent and reliable felony probation data available for each county to make the necessary calculations. To the extent that there is unreliable or unavailable information, it would be impossible to calculate the savings associated with avoided incarcerations in state institutions and then determine the portion of that savings to direct to county probation departments.

Analyst/Principal (0234) K. Gmeinder	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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M. Leno

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SB 678

This bill would:

- Authorize each county to establish in the county treasury a CCPIF.
- Require the County Auditor to allocate moneys in the county's CCPIF, as specified.
- Require the AOC, in consultation with the Chief Probation Officers of California, to specify and define minimum required outcome-based measures, as specified complete the period of probation.
- Require each probation department receiving funding to provide an annual written report to the AOC evaluating the effectiveness of the community corrections programs.
- Require the AOC, 18 months following the initial receipt of funding pursuant to this act and annually thereafter, in consultation with the CDCR, the DOF, and the Chief Probation Officers of California, to submit to the Governor and the Legislature a comprehensive report on the implementation of this act, as specified.
- Require the DOF, in consultation with the CDCR, the Joint Legislative Budget Committee (JLBC), and the AOC, to calculate a baseline felony probation revocation rate for each county based on the average number of felony probationers who entered state prison from that county for the fiscal years 2006-07, 2007-08, and 2008-09 as a result of a probation revocation or conviction for a new offense while on probation.
- Require the DOF, in consultation with the CDCR, the JLBC, and the AOC, to calculate costs to the CDCR that have been avoided, including costs associated with incarceration, community supervision, and parole revocations/proceedings, due to reductions, calculated for each county and statewide, in the percentage of people on supervised felony probation whose probation is revoked and who are sentenced to serve a term of imprisonment in state prison, or who while on supervised probation are admitted to state prison after a conviction for a new offense.
- Require the Legislature to annually appropriate to the AOC 50 percent of any cost savings calculated, to be deposited into the CCPIF of each county, as specified.
- State that the money appropriated by the Legislature shall be used to supplement, not supplant, any other state or county appropriation for the chief probation officer of the probation department.
- Specify that up to 3 percent of moneys appropriated to the AOC shall be used for the costs of administering this program.
- Specify that any funds remaining in the CCPIF not allocated may be awarded to chief probation officers for counties that have achieved no reduction in the baseline set for their county, as specified.
- Specify that funds unexpended by the County at the end of the fiscal year may, with AOC approval, be carried over into the next fiscal year if such funds constitute no more than 10 percent of the total awarded, or funds not approved by the AOC to be carried over shall be returned to the CCPIF for purposes consistent with this section.
- Specify that none of the savings calculated shall be appropriated to any CCPIF where there is no reduction under the baseline calculation.

The CDCR indicates that in 2007, nearly 270,000 felony offenders were subject to probation supervision in California communities. During the same period, there were 46,987 new admissions to state prison, with nearly 20,000 of those admissions due to probation revocations.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
0250/Jud Branch	SO	No		--	C	\$251	C	\$502	0001
0250/Jud Branch	LA	No	-----	See Fiscal Summary				-----	0001
5225/Corr & Rehab	SO	No	-----	See Fiscal Summary				-----	0001
8860/Finance	SO	No	-----	No/Minor Fiscal Impact				-----	0001
8885/Comm St Mndt	SO	No	-----	See Fiscal Summary				-----	0001